

PLANNING & ZONING COMMISSION Staff Report

PLANNING VARIANCE

PV 06-09

Case Summary

CASE:	request for approval of a variance from the required minimum 25-foot front building setback to 15-feet for a residential lot
P&Z MEETING DATE:	June 15, 2006
STAFF CONTACT:	Beth Wilson

Site Data

OWNERS/APPLICANTS:	Stanley & Michelle Caldwell
SITE LOCATION:	112 Moss – approximately 300 feet northwest of the intersection of Moss and East MLK
LEGAL DESCRIPTION:	Block 6, Lot 7, Yeager Subdivision
ZONING & EXISTING LAND USE:	'MU-1' Mixed Use Residential District; manufactured home

Vicinity Map



Analysis of Issues

The applicants filed for, and were granted a building permit to locate a manufactured home at their residence at 112 Moss. The applicants had an approximately 66-foot long double wide home on the lot at the time, which they planned to have removed when the new home was delivered. When the home was delivered to the site, inspectors noted that it encroached into the front setback approximately 10 feet. Upon further investigation it was discovered that Staff was under the impression that the existing double wide home would be replaced with a home with the same dimension. The application states that the home to be moved in was a 76-foot single wide. Staff had misinterpreted the application and issued a permit in error.

Findings

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);
2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Staff contends that there are a number of homes in the vicinity which likewise encroach into the front setback, and therefore believe that this encroachment will not be detrimental to the adjacent properties or other properties in the vicinity. Furthermore, the encroachment would not create any safety concerns.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

As this encroachment was not discovered before the permit was issued, staff contends that the applicant would have a great hardship if the variance were not approved.

STAFF RECOMMENDATION

Staff recommends **approval** this request for variance.